

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

348J0574

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1183** - 02/05/2004

Introduced by: Representatives Novstrup, Kraus, LaRue, McCaulley, Rhoden, and Weems
and Senator Sutton (Duane)

1 FOR AN ACT ENTITLED, An Act to provide the temporary replacement of any elected official
2 incapacitated by illness or accident.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 3-4 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If any member of a governing body of a county, municipality, school district, township, or
7 special purpose district, who is incapacitated by illness or an accident which causes the member
8 to be unable to attend meetings of the governing body, the member may elect to temporarily
9 resign from the governing body. Notice of temporary resignation may be given in the same
10 manner as giving notice of resignation from such governing body. If the member is unable to
11 give notice, the member's spouse or guardian or any person who has durable power of attorney
12 for the member may give notice of resignation from such governing body. A temporary
13 replacement may be made in accordance with the provisions of statute applying to the governing
14 body. The temporary member shall serve until the member is able to fulfill the requirements of
15 office or until the expiration of the member's term, whichever occurs first.

